

EXHIBIT 5

Denise Lunsford

From: Denise Lunsford <d@lunsford-law.com>
Sent: Monday, June 29, 2020 2:16 PM
To: 'Winn, Sara (USAVAW)'; 'Siegel, Joshua'; 'Platania, Joseph'
Cc: 'John Hill'; 'John Zwerling'
Subject: Sines v. Fields

All

I have had an opportunity to review the email chains and attached documents from Friday regarding Judge Hoppe's Order in the above matter. To recap, in relevant part:

- Judge Hoppe's original Order EXCLUDED discovery provided to counsel by the AUSA.
- Instead of providing it himself, Platania agreed with Siegel that Defense counsel produce discovery received from the CW.
- The AUSA has stated in emails that she objects to anything being provided which ORIGINATED FROM a federal agent or employee (I am using this term to refer to documents created by a federal employee, such as an FBI agent, or provided by a federal employee, such as the AUSA or an FBI agent, to the CA and, in turn, provided to defense counsel); the AUSA apparently did not make this position known to Magistrate Judge Hoppe at any point.
- Neither the AUSA nor Platania appeared by pleading or in person at the telephone hearing on June 25 regarding this matter.
- During the hearing Judge Hoppe said that his Order that we disclose materials received from the Commonwealth included materials originating from any source – I clarified at the end of the hearing and Judge Hoppe agreed that if it came from the Commonwealth it was to be provided to plaintiffs by us (Lunsford and Hill) without regard to who provided it to the Commonwealth.
- On Friday there was a flurry of emails including a suggestion of a 3:00 conference call which John Hill was available for but for which he was not provided dial in information.
- AUSA Winn informed us by email around 4:30 Friday that the conference call was between the AUSA and Plaintiffs' counsel, excluding the individuals actually ordered by the Court to produce information, and indicated that "we (presumably the AUSA) hope they will not require you to produce federal documents". She then stated we "should not" produce federal documents at this point.
- In the meantime, around 3:50 Friday, during or after the above conference call, Joshua Siegel emailed an Order for the Charlottesville General District Court ordering that we produce responsive documents without regard to where such documents originated.

Once again, appointed counsel for Mr. Fields is in the middle of an argument between counsel for the Plaintiffs and the parties best able to provide the information sought. What is more, we are receiving conflicting information from Siegel and Winn in emails on which the other is not copied. The difference this time, however, is that I have an Order from a Federal Magistrate Judge and a clear understanding of what he meant by "materials received from the Commonwealth's Attorney" based on his statement during the Thursday hearing.

PLEASE BE AWARE: Unless I receive a revised Order from Judge Hoppe or some indication that the above matter has been brought before him by Motion, Letter, or some other means, I will take Plaintiff's proposed Order to the Charlottesville General District Court tomorrow morning. Thereafter, I will release the documents per Judge Hoppe's June 26, 2020 Order. Additionally, I will not acknowledge any communication indicating this dispute has been "resolved" or "agreed to" unless I receive correspondence on which ALL OF YOU ARE INCLUDED.

PLEASE RESOLVE THIS.

Denise Y. Lunsford, Esq.

Denise Y. Lunsford, LLC

414 E. Market Street, Suite C

PLEASE REPLY

Charlottesville, Virginia 22902
434.328.8798
d@lunsford-law.com